Attorney's Docket No.: 10276-026001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : George Liang King
Serial No. : 09/524,459
Filed : March 10, 2000
Title : INHIBITION OF PKC TO TREAT PERMABILITY FAILURE

Art Unit : 1614
Examiner : D. Jones

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ADVISORY ACTION

In response to the final office action mailed on July 23, 2001, Applicant filed an amendment and response on October 23, 2001, and a notice of appeal on January 23, 2002. An advisory action was mailed on February 6, 2002. The advisory action states that Applicant's amendment and response filed on October 23, 2001 was not entered.

A request for continued examination is being filed herewith. Applicant requests entry and consideration of the amendment and response filed on October 23, 2001, and consideration of the following remarks.

Claims 1-3, 5-16 and 18-29 will be pending upon entry of the amendment and response filed on October 23, 2001. The advisory action states that Applicant's amendment and response filed on October 23, 2001 overcomes the rejection of claims 1-3 and 5-15 (method claims), whose allowance is respectfully requested. With regard to the remaining obviousness rejection of claims 16 and 18-24 (composition claims), the advisory action provides as follows.

> The prior art reference of Sitter et al. do teach and recited specific inhibitors of protein kinase C (PKC). In addition, the prior art reference of Hu et al. do teach of a specific PKC inhibitor, (see abstract). Consequently, the composition claims are still rejected over both Sitter et al. and Hu et al.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 8, 2002
Date of Deposit

Maria Reen
Signature

Maria Reen
Typed or Printed Name of Person Signing Certificate

This rejection is respectfully traversed. Nowhere does Sitter teach or suggest a peritoneal dialysis fluid that includes a specific inhibitor of PKC, or a method of making such a dialysis fluid, as recited in claims 16 and 18-29. Sitter merely discloses in vitro experiments designed to evaluate the effect of D-glucose (found in some dialysis fluids) on intraperitoneal prostaglandin E_2 (PGE_2) levels. In these experiments, Sitter discloses exposing cultured human peritoneal mesothelial (HMC) cells to kinase inhibitors, including a specific inhibitor of PKC (even though Sitter only uses Ro 31-8220) only to study the effect of kinases on the pathway of PGE_2 production in the cultured cells (see page 2010, 2d column). Sitter's disclosure of a specific PKC inhibitor for this in vitro use on cultured cells to study the pathway of PGE_2 production does not provide a motivation or a reasonable expectation of success to a skilled artisan to make a peritoneal dialysis fluid that includes a specific inhibitor of PKC. Hu does not cure the deficiencies of Sitter, as Hu merely discloses the use of bisindolylmaleimide as an in vitro reagent to show that PKC activates ATP-sensitive K+ current in ventricular myocytes. Hu et al. has nothing whatsoever to do with dialysis fluid. Therefore, Hu does not provide the teaching or suggestion missing from Sitter.

A clean copy of all pending claims is attached. Applicant submits that all the claims are in condition for allowance, which action is respectfully requested. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing the attorney docket number indicated above.

Respectfully submitted,

Date: April 8, 2002

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